

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**ADDENDUM TO FINAL STATEMENT OF REASONS****TITLE 8****CALIFORNIA CODE OF REGULATIONS****Construction Safety Orders**

Chapter 4, Subchapter 4, Article 21, Section 1637 and Article 23, Section 1658

Scaffolds Used in the Construction Industry

There are no modifications to the information contained in the Initial Statement of Reasons except for the following sufficiently related modification that is the result of public comment.

Section 1658. Suspended Scaffolds

Section 1658 contains various requirements pertaining to the use of suspended scaffolds in construction operations. These requirements include, but are not limited to, the use of hoisting machines/equipment, hanging scaffolds to minimize swaying, scaffold design, the use of ladders, supporting ropes and outrigger beams, scaffold inspection, etc.

A new pProposed subsection (v) would prohibit gasoline-powered equipment to be placed on suspension scaffolds. A modification is proposed to reword proposed subsection (v) to read:

" (v) Gasoline-powered equipment and hoists shall not be ~~used~~ located on suspension scaffolds."

The proposed modification is necessary to clearly indicate to the employer that consistent with the intent of the regulation, gasoline-powered equipment may be used when work is performed from suspension scaffolds, but that the gasoline powered portion of the equipment (e.g., gasoline motor, fuel tank, etc.) is to be placed at a location other than on the scaffold. This technical clarification is also necessary to protect workers on a suspension scaffold from being exposed to a fire on the scaffold that could result in serious injury and catastrophic equipment damage and/or failure.

SUMMARY AND RESPONSE TO ORAL WRITTEN COMMENTS

- I. Oral Comment received at the Public Meeting portion of the November 16, 2000, Public Hearing, San Diego, California

Mr. Steve Johnson, Associated Roofing Contractors of the Bay Area Counties, Inc.,

Comment:

Mr. Johnson stated that the Associated Roofing Contractors of the Bay Area Counties is concerned with the wording in the proposed Section 1658(v) which states that gasoline-powered equipment and hoists shall not be used on suspended scaffolds. He stated that his association understands that to mean that gasoline-powered equipment was to be banned. However Mr. Johnson notes that the Final Statement of Reasons indicates that the actual intention of Section 1658(v) is not to ban the equipment on suspended scaffolds but to require that it be placed somewhere other than on the scaffold. Mr. Johnson supports the proposed language given this interpretation but believes the intent of the regulation is not adequately communicated by the current wording. Mr. Johnson believes the proposed language as written does not meet clarity standards and should be reworded to clearly state what it means. Mr. Johnson requested the Board reject the proposed language as written and rewrite it so that the meaning is clearly understood.

Response:

The Board and staff agree with Mr. Johnson and propose to modify the language in Section 1658(v) to state:

"(v) Gasoline-powered equipment and hoists shall not be located ~~used~~ on suspension scaffolds."

The Board and staff believe the replacement of the word "used" with the word "located" will clearly indicate to the employer that consistent with the intent of the regulation, gasoline-powered equipment may be used by employees who work from suspended scaffolds, but is to be located elsewhere and not placed on the scaffold itself.

The Board thanks Mr. Johnson for his comment and participation in the Standards Board's rulemaking process.

DETERMINATION OF MANDATE

These regulations do not impose a mandate on local agencies or school districts as indicated in the Initial Statement of Reasons.

ALTERNATIVES CONSIDERED

The Board invited interested persons to present statements or arguments with respect to alternatives to the proposed regulation. No alternative considered by the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the adopted action.

No written comments were received as a result of the 15-Day Notice of Proposed Modifications.